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September 21, 2017

By ECF

Hon. James L. Garrity
U.S. Bankruptcy Court for the
Southern District of New York
One Bowling Green
Chambers
New York, New York 10004

Re: In re Cinque Terre Financial Group Limited, Case No. 16-11086

Dear Judge Garrity:

I write today, with the consent of the Liquidator, pursuant to a previous order of the Court to update the Court on the status of the appeals in this case. Briefly, the Liquidator's appeal to the United States Court of Appeals for the Second Circuit has been briefed, as has Richard Rothenberg's motion to dismiss that appeal on jurisdictional grounds.

By way of background, this Court issued an order on June 3, 2016 denying in part and granting in part a motion by Rothenberg to quash a subpoena and to vacate an order of this Court directing certain discovery. Subsequently, on September 19, 2016, this Court issued another order holding Rothenberg in contempt for failing to comply with the subpoena and the order as modified.

Rothenberg appealed the June 3, 2016 and September 19, 2016 orders to the District Court under 28 U.S.C. § 158. In connection with those appeals, the District Court (Swain, J.) entered a decision on November 28, 2016 granting in part and denying in part Rothenberg's appeals, and remanding the matter to this Court for further proceedings consistent with that opinion. Both Rothenberg and the Liquidator subsequently filed notices of appeal from Judge Swain's decision, which was later reduced to a judgment, to the Second Circuit.

On March 28, 2017, the Liquidator filed a timely principal brief and appendix. On June 27, 2017, Rothenberg filed a motion to dismiss the appeal on jurisdictional grounds. On July 6, 2017, the Liquidator filed his opposition to the motion and on July 13, 2017, Rothenberg filed a reply memorandum of law in further support of his motion. That motion is now fully briefed. By Notice issued September 12, 2017 the Second Circuit has indicated that the motion will be submitted to the B Panel on September 26, 2017.

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I hope this addresses any questions the Court may have concerning the pending appeal.
We remain available to further address any questions or concerns from the Court.

Respectfully,



Andrew St. Laurent